



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/579,853

03/16/2007

Gianrico Scarton

39994-231144

8910

26694

7590

06/30/2010

VENABLE LLP

P.O. BOX 34385

WASHINGTON, DC 20043-9998

EXAMINER

COLILLA, DANIEL JAMES

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

06/30/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,853	Applicant(s) SCARTON, GIANRICO	
	Examiner Daniel J. Colilla	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 23 is/are rejected.
- 7) ☒ Claim(s) 14-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/17/2010, regarding claim 23, have been fully considered but they are not persuasive of any error in the below rejection.

Applicant states that new claim 23 combines allowable subject matter of claim 10 with previous claim 1. However, claim 10 was indicated as being allowable solely for its dependence on allowable claim 9, but applicant omitted the subject matter of claim 9 in new claim 23. If applicant were to add the subject matter of claim 9 into claim 23, then this claim would also be allowable.

Information Disclosure Statement

2. The Italian application reference, T02002A000428, submitted on an IDS filed on 3/16/07 cannot be considered because no concise explanation of its relevance, in English, has been provided. Applicant contends that the explanation has been given in the specification on page 6, lines 5-11. However, this portion of the specification merely states that the reference has many similarities and should be referred to for detailed information. Since the examiner does not speak Italian, the examiner does not know what is disclosed by the reference and whether it is relevant to the claimed subject matter or not.

Claim Objections

3. Claims are objected to because of the following informalities: In claims 14 and 19, it appears that "grater" should actually be --greater.-- Appropriate correction is required.

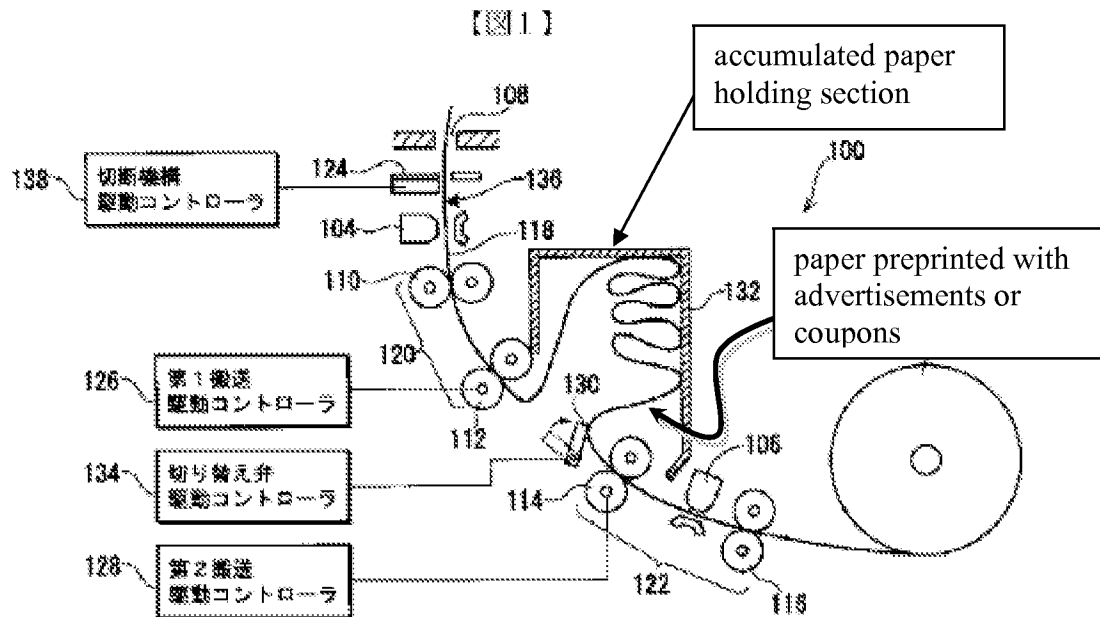
Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minowa (JP 2003-251595) in view of Hirabayashi *et al.* (US 6,789,969).

First an overview, according to the examiner's understanding, of how the printer disclosed by Minowa works may be helpful.



Minowa discloses a receipt printer with an ink jet printhead 106 and a thermal print head 104. The ink jet printhead 106 is used for printing coupons or store advertisements on the back of

Art Unit: 2854

the receipt and the thermal print head 104 is used for printing the information regarding the financial transaction that has taken place. In order to reduce time for printing a receipt after the print command is sent to print the financial transaction data, the coupons or advertisements are preprinted on the back of a certain length of the continuous receipt paper. This printed length of paper is then accumulated or stored in the holder section formed by guide 132 as shown above. Thus when the print command for printing financial data by the thermal head is sent the printed length is fed out from the holding section 132 past the thermal head and cut for the customer to receive.

With respect to claim 23, Minowa discloses a printing device 100 for receipts, each receipt having a first area bearing constant data (back side of paper ribbon), that is the same from one receipt to another, and a second area (front side of paper ribbon) bearing variable data that varies from one receipt to another, said device comprising:

- a roll containing a continuous paper ribbon 102,
- a first printing unit, ink jet, dot-matrix type 106,
- a second printing unit thermal, dot-matrix type 104, said first and said second printing units being arranged along said a print path (as shown in Fig. 1 of Minowa),
- a feeding mechanism 120,122 that feeds said paper ribbon along said print path to permit printing of said paper ribbon by said first and said second printing units,
- and a cutter 124 that cuts said continuous paper ribbon after the printing, so as to form the receipts, and
- a control unit 202 connected to said first ink jet printing unit 106 and said second thermal printing unit 104, the control unit adapted to cause, for each receipt, said first ink jet printing unit

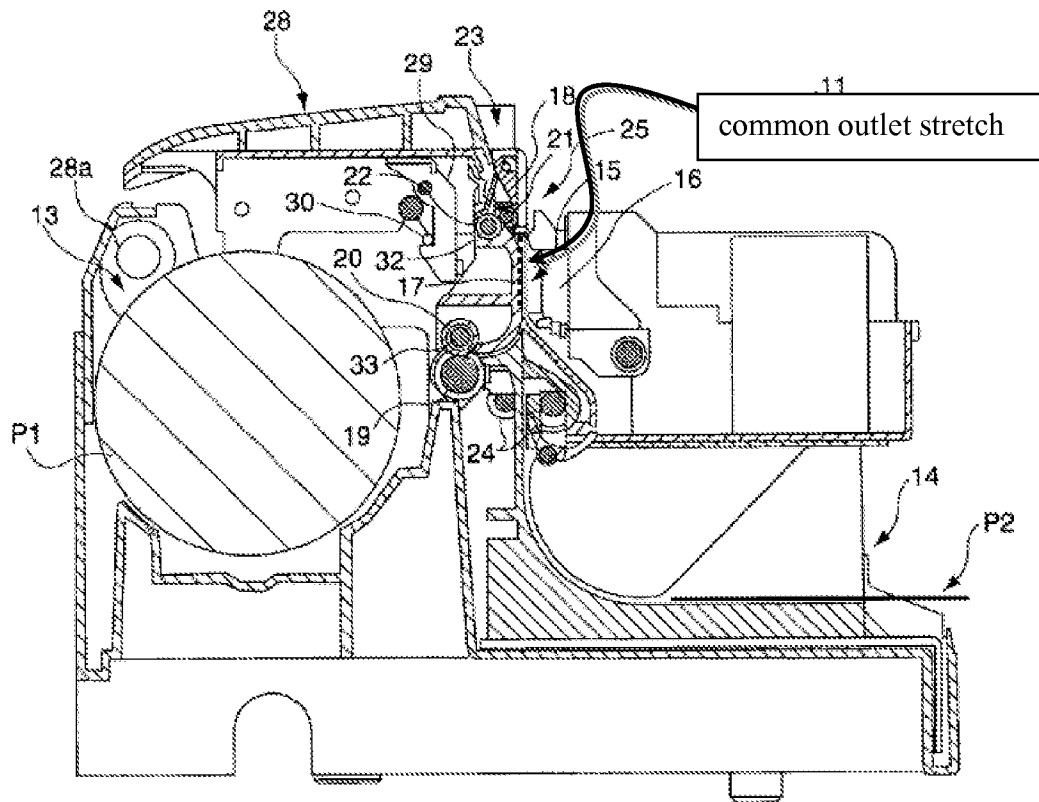
Art Unit: 2854

to print on said paper ribbon said constant data (referred to as additional information by Minowa, Solution portion of the abstract), and to cause said second thermal printing unit 104 to print on said paper ribbon said variable data (referred to as accounting information by Minowa, Solution portion of the abstract).

Applicant's attention is invited to paragraph [0004] where applicant states that the additional information can be information that is only changed periodically. Thus for the time between changes of the additional information, this information is constant.

Hirabayashi *et al.* discloses a printing device including a printing path from paper roll P1 through rollers 19 and 20 to exit 25 and a further print path for single documents P2, such as cheques and bills, consisting of single separate sheets, wherein said further print path extends between an entrance zone 14, suitable for receiving said single documents P2, and an exit zone 25 for delivery to the outside of said single documents, after printing, wherein said further print path shares a common outlet stretch (as shown below in the Fig. taken from Fig. 5 of Hirabayashi *et al.*)

Art Unit: 2854



As mentioned above Hirabayashi *et al.* teaches a print path provided for conveying said continuous paper ribbon P1 coming from said roll of paper, and a printing unit 16 arranged along said common stretch. In the combination of Minowa and Hirabayashi *et al.* one of ordinary skill in the art would recognize that the printing unit 104 of Minowa would be placed where the printing unit 16 of Hirabayashi *et al.* is located since both of these printing units print the financial transaction data on a receipt.

It would have been obvious to combine the teaching of Hirabayashi *et al.* with the printer disclosed by Minowa so that the receipt printer can also be used for functions such as validating checks which is commonly performed at financial transaction register/printers.

Allowable Subject Matter

6. Claim 1 and 20-22 are allowed.

7. Claims 14-19 are objected to as containing the above mentioned informalities, but would be allowable if rewritten to overcome these informalities.

8. The following is a statement of reasons for the indication of allowable subject matter:

Claims 14-18 have been indicated as being allowed primarily for the control unit connected to said first ink jet printing unit and said second thermal printing unit, the control unit adapted to cause, for each receipt, said first ink jet printing unit to print on said paper ribbon said constant data, and to cause said second thermal printing unit to print on said paper ribbon said variable data, and wherein said first ink jet printing unit is arranged downstream of said second thermal printing unit.

Claim 19 has been indicated as being allowed primarily for the control unit connected to said first ink jet printing unit and said second thermal printing unit, the control unit adapted to cause, for each receipt, said first ink jet printing unit to print on said paper ribbon said constant data, and to cause said second thermal printing unit to print on said paper ribbon said variable data, and wherein said first ink jet printing unit is arranged downstream of said second thermal printing unit along said print path according to the direction of feeding of said paper ribbon.

Claim 20 has been indicated as being allowed primarily for the control unit connected to said first ink jet printing unit and said second thermal printing unit, the control unit adapted to

Art Unit: 2854

cause, for each receipt, said first ink jet printing unit to print on said paper ribbon said constant data, and to cause said second thermal printing unit to print on said paper ribbon said variable data, and wherein said first ink jet printing unit is arranged downstream of said second thermal printing unit along said print path according to the direction of feeding of said paper ribbon.

Claim 21 has been indicated as being allowed primarily for the control unit connected to said first ink jet printing unit and said second thermal printing unit, the control unit adapted to cause, for each receipt, said first ink jet printing unit to print on said paper ribbon said constant data, and to cause said second thermal printing unit to print on said paper ribbon said variable data, and wherein said first ink jet printing unit is arranged downstream of said second thermal printing unit along said print path according to the direction of feeding of said paper ribbon.

Claim 22 has been indicated as containing allowable subject matter primarily for the control unit connected to said first ink jet printing unit and said second thermal printing unit, the control unit adapted to cause, for each receipt, said first ink jet printing unit to print on said paper ribbon said constant data, and to cause said second thermal printing unit to print on said paper ribbon said variable data, and wherein said first ink jet printing unit is arranged downstream of said second thermal printing unit along said print path according to the direction of feeding of said paper ribbon.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Daniel J. Colilla** whose telephone number is **571-272-2157**. The examiner can normally be reached on M and W, 7:30-5:00 and T, Th and F, 8:30-4:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Judy Nguyen** can be reached at **571-272-2258**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 30, 2010

/Daniel J. Colilla/
Primary Examiner
Art Unit 2854